

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (SPRINGFIELD)

ACCESS 4 ALL, INC., a Not-for-Profit
Corporation, and FELIX ESPOSITO,
Individually,

Plaintiffs,

v.

DELANCEY CLINTON ASSOCIATES, L.P.,
a Pennsylvania Limited Partnership,

Defendant.

Case No. 3:04-cv-12347-KPN

**MOTION TO ALLOW PLAINTIFFS'
COUNSEL TO APPEAR
TELEPHONICALLY AT THE
SCHEDULING CONFERENCE OR TO
RESCHEDULE SAME**

COME NOW, Plaintiffs, through their undersigned attorney, and respectfully move this Court pursuant to Local Rule 40.3(a) for good cause to allow Plaintiffs' counsel to appear telephonically at the Case Management Conference scheduled for **February 23, 2006 at 10:00 am, before The Honorable Magistrate Judge Kenneth P. Neiman**, and as grounds therefor state the following:

1. The undersigned attorney has been admitted to appear Pro Hac Vice in this case, and is the lead attorney in this matter for the Plaintiffs.
2. The parties, through counsel, have been undertaking to amicably resolve this matter.
3. The undersigned has vacation plans (during school recess) to be in Colorado from February 17th through the 22nd, with the undersigned's two minor children, ages 12 and 17, and attendance to the Settlement Conference would require the undersigned to fly from Colorado to Springfield, Massachusetts, and to send the undersigned's two minor children back to Florida unaccompanied. Furthermore, attendance at the Case Management Conference would be a great expense for the undersigned.

4. Counsel for both sides have developed a cordial relationship and, at this point, the Case Management Conference can be effectively handled via telephone.

Should the Court deem it necessary for the undersigned to attend the Case Management Conference in person, it is respectfully requested that the Conference be rescheduled for a later time.

CERTIFICATE OF CONFERENCE

Counsel for Defendant was contacted and he has assented to the foregoing Motion.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished via e-mail to: Michael Colgan Harrington, Esq., Murtha Cullina, LLP, 185 Asylum Street, CityPlace I, Hartford, CT 06103-3469, mharrington@murthalaw.com, on this 27th day of January, 2006.

The Plaintiff by his Attorney:

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By: /s/ John Fuller
John P. Fuller, Esq., *Pro Hac Vice*
FL Bar No. 0276847

JPF:jl